

REMARKS

The Abstract has been amended to make editorial changes therein, bearing in mind the criticisms in the Official Action, to place the application in condition for allowance at the time of the next Official Action.

The original claims have been replaced with new claims. By way of background, the specification describes various embodiments of the invention in which two neighboring base stations 1, 2 communicate with terminals A, B'. Terminal A communicates with base station 1 only in one time slot and communicates with base station 2 only in a second time slot so as to avoid the interference shown in Figure 7. In order to make more efficient use of the base stations, terminal B' communicates with base station 2 in the first time slot (i.e., while terminal A is communicating with base station 1), such as shown in Figures 1 and 3-6 (see, for example, page 2, lines 12-21 and page 13, lines 6-12). The location of terminal B' can be defined relative to boundary regions of the communication areas of the respective base stations, relative to communication quality thresholds, or relative to communication quality classes. The communication area of the base stations may be divided into sectors (Figures 5-6) and these sectors may also be used to determine when terminal B' is to communicate with base station 2.

Claims 1, 3, 5, 7, 9, 11, 13, and 14 were rejected as anticipated by WALTON et al. 6,493,331. The new claims are

distinguishable from this reference because WALTON et al. do not disclose that the two terminals communicate in the same time slot in the manner claimed herein (e.g., the time slots in Figure 6 of WALTON et al. do not overlap). Reconsideration and withdrawal of the rejection are respectfully requested.

With regard to claim 18, WALTON et al. do not disclose that when a first terminal that communicates with a first base station and a second terminal that communicates with a second base station are located in the boundary regions of the first and second base stations, the first and second base stations allocate different time slots to the first and second terminals, and wherein, even if the first terminal is located in the boundary regions of the first and second base stations when the second terminal is located out of the communication area of the first base station and out of the boundary regions of the first and second base stations, the first and second base stations are permitted to allocate a same time slot to the first and second terminals. Accordingly, new claims 18-20 avoid the rejections of record.

With regard to claim 21, WALTON et al. do not disclose a first terminal located in the boundary regions of the first and second base stations and a second terminal located between the second base station and the boundary region of the second base station and out of the communication area of the first base station, where the first terminal communicates with the first

base station only in first time slots and communicates with the second base station only in second time slots different from the first time slots, and where the second terminal communicates with the second base station in the first time slots. WALTON et al. do not disclose this overlapping use of the first time slots.

With regard to claim 23, WALTON et al. do not disclose a first terminal having a communication quality that is equal to or below a first threshold and a second terminal having a communication quality that is equal to or above a second threshold that is greater than the first threshold, where the first terminal communicates with the first base station only in first time slots and communicates with the second base station only in second time slots different from the first time slots, and where the second terminal communicates with the second base station in the first time slots. WALTON et al. do not disclose this overlapping use of the first time slots.

Claims 2, 4, 6, 8, 10, and 12 were rejected as unpatentable over WALTON et al. in view of LEUNG et al. 6,400,697 and claims 15-17 were rejected as unpatentable over WALTON et al. in view of MOULSLEY 6,407,993. Reconsideration and withdrawal of the rejection are respectfully requested as these additional references do not make up for the shortcomings of the primary reference noted above.

The Official Action indicates that the IDS filed on December 2, 2003 did not comply with applicable MPEP provisions.

However, reconsideration of this opinion is respectfully requested. The IDS as filed included an English translation of the foreign search report, as shown on the copy of the post card receipt for the IDS that is in the Appendix. Accordingly, consideration of the material submitted with the IDS is respectfully requested.

The Official Action indicates that the English translation of the search report was not filed, but as has been shown this is not correct. In the event the copy of the English translation of the search report is not in the Patent Office files, a copy of the IDS as filed on December 2, 2004 (not including the references) is provided in the Appendix.

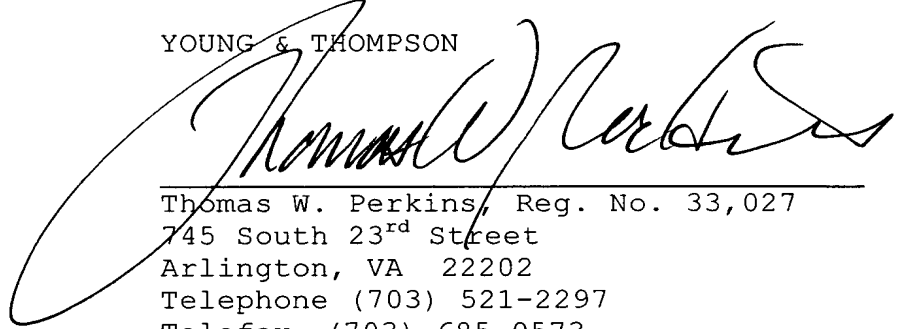
In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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TWP/lrs

APPENDIX:

The Appendix includes the following items:

- replacement Abstract,
- copy of IDS filed December 2, 2003 (not including references),
and
- copy of postcard receipt for December 2, 2003 IDS.